

Country session: Czech Republic

Date of session: 6th and 7th September (88th session)

Context

The State delegation participated remotely in the dialogue with the Committee.
The review took place after many months of postponement due to the COVID-19 pandemic, as originally scheduled in May 2020.

Background information

[OHCHR press release](#)

Webcast: [first part](#) and [second part](#)

[Audio file](#)

Reporting

Reporting methodology

Standard reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report

Common core document	
Updated document	25 January 2010

CRC	
No. of report	5th & 6th
Due date	30 June 2018
Submission	13 August 2018

Written replies	
Due date	01 March 2020
Submission	20 March 2020

Public reports from children’s rights defenders

<u>Alternative reports and additional information</u>	
NGOs	<ul style="list-style-type: none"> • Alliance for the Rights of the Child • Global Initiative to End All Corporal Punishment of Children • International Social Service • IBFAN Czech Republic • The European Roma Rights Centre • Forum for Human Rights, Organization for Aid to Refugees • Forum for Human Rights, Validity Foundation, Inclusion Czech Republic • StopIGM.org / Zwischengeschlecht.org

State delegation

The [delegation of Czech Republic](#) was large and multisectoral. It consisted of high-level representatives of the Office of the Government, the Ministry of Labour and Social Affairs, the Ministry of Justice, the Ministry of Health, the Ministry of Education Youth and Sports, the Ministry of Interior, the Ministry of Regional Development, the Ministry of Foreign Affairs, and the Permanent Mission of the Czech Republic in Geneva.

Committee’s Task Force members

Name & Last Name	Country
Faith Marshall-Harris (coordinator)	Barbados
Velina Todorova	Bulgaria
Bragi Gudbrandsson	Iceland
José Rodrigues Reyes	Venezuela
Sopio Kiladze	Georgia
Rinchen Chophel	Bhutan

Dialogue description

i. Character of the dialogue

The dialogue was constructive and comprehensive. The delegation was responsive to the Committee's questions and the answers provided, although sometimes more political than technical, were very focused on the Committee's requests. The Czech Republic attempted to answer most of the Committee's questions and committed to send to the Committee within 48 hours after the end of the session answers to the outstanding questions.

ii. General assessment made by the Committee

Ms. Faith Marshall-Harris, the Coordinator of the Task Force acknowledged that the Czech Republic is looking for sustainable solutions to the problems they are facing. She encouraged the Czech Republic to pay more attention to the following critical issues: the discrimination of Roma children, children with disabilities, children in migration situations, child victims of sexual exploitation and children without a family environment.

iii. Main issues discussed:

General Measures of Implementation

- **Coordination:** The Committee asked for more details on the National Strategy for the Protection of Children's Rights to ensure proper coordination of the various ministries, as different sources suggest that there have been persistent disagreements. The Czech Republic recognized coordination as one of their weaknesses. The delegation presented its New Strategy for the Protection of Children's Rights 2021-2029, which was developed in collaboration with professionals, NGOs and children. The child's perspective is at the heart of this new strategy, according to the delegation.
- **Ombudsman for children:** The Committee asked why an Ombudsman for children has not been established in Czech Republic and why the Government bill had failed. The delegation replied that a new law has been drafted in this respect and that, except for one political party, all other parties are ready to implement this law.

General Principles

- **Non-discrimination:** The Committee expressed concerns about the fact that most children in institutions are Roma children. Furthermore, the Committee stressed that Roma children also suffer from a housing problem. The delegation replied that it was aware of this problem and would work on it.

Civil Rights and Freedoms

- **Corporal Punishment:** This concern is of major importance to the Committee as physical punishment of children is common in Czech Republic. The Committee wanted to know how the Czech Republic interpreted the difference between appropriate and non-appropriate punishment. The delegation admitted that although it wishes to reduce this phenomenon, it is not completely forbidden because some political parties are opposed to it. The Czech Republic is increasing

prevention among children and providing financial support to associations working directly on this issue.

Basic Health and Welfare

- **Children with disabilities:** The program for pupils with mental difficulties was abolished and incorporated into the inclusive curriculum in 2016.
- **Intersex children:** The Committee asked the delegation to share its position on unnecessary and irreversible surgery to change the sex of children without their consent. The delegation replied that this was a new issue of which they are only now becoming aware.

Special Protection measures

- **Institutionalization of children:** The Committee was interested in the concrete measures taken to eliminate the placement of children in institutions and whether the law prohibiting the placement of minors under the age of 3 has entered into force. The delegation replied that this was not yet the case but assured that a step-by-step procedure is followed before a child's placement was decided.
- **Sexual abuses:** According to the Committee, the country is still in a state of denial. As only a small number of cases are investigated and of victims identified, the delegation stressed that it was developing identification cards to facilitate the complaint procedure for children, but also that it was developing a specific working procedure about this problem and finally that it was developing a specialized service. The delegation also specified that a follow-up of the child victim of this kind of abuse is initiated. The delegation is interested in building a network of specialists on this specific matter.

Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew the State party's attention to the need for urgent measures concerning the following areas:

- **Sexual exploitation and abuse:** The Committee urges the State party to **reinstate the National Plan for Combating Sexual Exploitation of Children** and **designate a coordinating body** to oversee its implementation. The Committee also presses the State to **enhance public and professional awareness** and to **respond to all manifestations of sexual exploitation** and abuse of children, particularly **online** and in **travel** and **tourism**. The above-mentioned measures should also **be monitored regularly**. The Committee also commands the State to review the Criminal Code to **ensure all persons under 18 are protected** against sexual exploitation and abuse and **cannot be held criminally liable** for sharing self-generated sexual images. Child sexual abuse should **be promptly reported** and followed up with **appropriate multi-sectoral judicial follow-up**. The Committee also calls for **specialised services, appropriate assistance, and child-friendly information** to be provided to child victims. Finally, the Committee calls for a **national survey on sexual violence with disaggregated data collection**.



- **Children deprived of a family environment:** The Committee recommends the State to **unify the childcare system** under one structure and to **adopt a comprehensive national policy to phase out institutionalisation**. Institutionalization of children under the age of three should also be **prohibited** under the new legislation. The State must also ensure that **the ban on institutionalization of children under the age of three is enforced**. The Committee also calls for ensuring that children are separated from their families **only if it is necessary** and that poverty, housing conditions, disability or ethnicity are never the sole justification for separation. The **abandonment of placement for "behaviour difficulties"** is also expected. In addition, the State should **promote family-based care**, with particular attention to Roma and disabled children, and **strengthen foster care capacities**. A **regular review** of the quality of care and the possibility of direct contact with the child's parents is requested. **Support for children entering independent living** is ultimately expected.
- **Children with disabilities:** The Committee urges the State party to adopt a **human rights-based approach to disability**, set up a **comprehensive strategy for the inclusion** of children with disabilities and **align the definition of reasonable accommodation with the Convention on the Rights of Persons with Disabilities**. The Committee also expects **improved coordination between the authorities** responsible for the social, health and legal protection of children with disabilities and to **train staff to activate appropriate care options**. The **practice of placing children with disabilities in "social care homes" with adults must stop**. The Committee urges that support for parents of children with disabilities be strengthened and that **early and effective detection for children with autism and developmental disorders** be implemented, along with specific and adequate care. Finally, **awareness campaigns** should be put in place to fight against the stigmatization of children with disabilities.
- **Standard of living:** The Committee recommends the State party to **establish an adequately resourced social housing system**, and systematically **collect and analyse data** on families in need of social housing. Moreover, the State should **secure the necessary housing stock** and expeditiously **adopt the draft law on social housing**. The **practice of "benefit-free zones" must be ended** and the **system of social benefits to ensure the conditions of living necessary for the child's development** need to be review.
- **Children in situations of migration:** The Committee urges the State party to **ensure children are heard in asylum and migration-related procedures and that their views are duly taken into account**. The State must also ensure that in asylum and immigration matters, **all those under 18 are treated as children, receive the requisite special protection and are not detained**. In regard to the **standard age-determination**, the State need to **develop a procedure that is multidisciplinary, scientifically-based, respectful of children's rights and used only in cases of serious doubt** about the claimed age, and **consider documentary or other forms of evidence available**, and ensure access to effective appeal mechanisms. In the same time, the Committee asks the State to **intensify its efforts to ensure access to healthcare and health insurance for all migrant children**, regardless of their or their parents' asylum status, residence or health condition and **to ensure access to all levels**

of education for all migrant children. Finally, the State must **develop campaigns to counter hate speech against migrants**, asylum seekers and refugees, particularly children and investigate, prosecute and **punish acts of ethnically motivated discrimination.**

- **Roma children:** The Committee urges the State party to **take targeted policy measures to address the causes of poverty and improve living conditions of Roma families**, including children, and **ensure access to public health insurance and adequate housing support.** Roma children need to have access to **quality education**, including pre-school education, **remain in and complete school** and the State must **reduce the number of Roma children in special education** and **establishes safeguards against misplacement.** **The identification and treatment of all cases of exploitation, abuse, and hate crimes against Roma children** must be implemented, as well as **increased awareness of this issue.** The Committee urges the State **to systematically collect and analyse data on the situation of Roma children** in all areas of the Convention in order to inform its policies and programs.

The Committee also drew the State party's attention to the recommendations concerning the following areas:

- General Measures of implementation: **Reservations; legislation; comprehensive policy and strategy; coordination; allocation of resources; data collection; independent monitoring; dissemination awareness-raising and training; cooperation with civil society; international cooperation; children's rights and the business sector**
- Definition of the Child;
- General principles: **non-discrimination; best interests of the child; respect for the views of the child**
- Civil rights and freedoms: **nationality; right to identity; access to information**
- Violence against children: **corporal punishment; abuse and neglect; harmful practices**
- Family environment and alternative care: **family environment; adoption; children of incarcerated parents**
- Basic health and welfare: **health and health services; mental health; adolescent health**
- Education leisure and cultural activities;
- Special protection measures: **asylum-seeking, refugee and migrant children; economic exploitation, including child labour; sale, trafficking and abduction; administration of child justice.**
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Sustainable Development Goals

Throughout its Concluding Observations the Committee referred to the following targets:

- 17.2 regarding the internationally agreed target of 0.7 per cent of the State party Gross National Income (GNI) for official development assistance and to prioritise children’s rights in Czech Republic international cooperation agreements.
- 10.3 regarding discrimination against Roma children on all grounds covered under the Convention.
- 16.2 to recommend the State party to formulate an updated strategy on preventing and addressing all forms of violence against children and ensure its effective implementation, monitoring and evaluation.
- 5.3 to explicitly criminalise forced marriage and to ensure that no child is subjected to unnecessary medical or surgical treatment during childhood
- 3.8 regarding health strategy and the provision of school health services
- 3.4 regarding mental health and to allocating adequate resources to prevent suicide
- 3.5 to implement comprehensive adolescent sex and reproductive health education at school
- 3.9, 13.3 to recommend the State to assess the impact of air pollution on children’s health
- 1.3 regarding social housing and the analyse of data
- 4.1, 4.2, 4.5 to review its legislation and practices to ensure the full and effective integration of all children into mainstream education and to reconfirm its commitment to inclusive education
- 8.7 to ensure the State party the implementation of the National Strategy and to undertake research on trafficking in children

Next State report

CRC	
No. of report	VII
Due date	30 June 2026

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